

REMARKS

Claims 1-15 are pending.

The rejection of Claims 1-15 under 35 U.S.C. § 103(a) over the combined disclosures of U.S. Patent Nos. 6,248,495 (US '495) and 6,403,271 (US '271) is respectfully traversed.

US '495 issued June 19, 2001. Thus, US '495 is available as prior art under 35 U.S.C. § 102(a) as of June 19, 2001. It is noted that US '495 claims priority to JP 11-058285, which published as JP 2000-258947 (JP '947) on September 22, 2000, which is also available as prior art under 35 U.S.C. § 102(a). An online search of electronic databases shows no other publication related to US '495 that published before September 22, 2000. Therefore, the effective prior art date to overcome, in regard to US '495, is September 22, 2000.

US '271 issued June 11, 2002. Thus, US '271 is available as prior art under 35 U.S.C. § 102(e), which means that it has an effective prior date June 1, 2000. US '271 claims priority to JP 11-237196, which published as JP 2001-066820 (JP '820) on March 16, 2001. An online search of electronic databases shows no other publication related to US '271 that published before June 1, 2000. Therefore, the effective prior art date to overcome, in regard to US '271, is June 1, 2000.

The present application is a National Stage Application of International Application No. PCT/JP01/05252, which was filed on June 20, 2001; and claims priority to Japanese patent applications JP 2000-184160 (JP '160, filed June 20, 2000) and JP 2000-348537 (JP '537, filed November 15, 2000).

Applicants file concurrently herewith English translations of the certified copies of JP '160 and JP '537, both of which include a statement that the translation of the certified copy is accurate. Therefore, Applicants request that the Examiner grant Applicants' request for the full benefit of priority to JP '160 and JP '537.

The present application is a combination of the disclosures of JP '160 and JP '537. Applicants note that Claims 1-5 and 7-15 are supported by the disclosure of JP '160. Consequently, there can be no *prima facie* case of obviousness in terms of Claims 1-5 and 7-15 over the combination of US '495 (or any foreign equivalent) and US '271, as neither US '495 nor any foreign equivalent of US '495 is available under prior art.

In regard to Claim 6, there is no description or suggestion concerning triboelectrostatic charge in the combined disclosures of US '495 and US '271; a fact that is acknowledged by the Office. As the Examiner is aware, the text of the present Specification reads as follows (page 7, lines 11-14): "when the condensation powder is used for dispersion, the triboelectrostatic charge varies a lot so that it is hard to understand an exact electrification state. The dispersion property of the powder has big influence on the electrification..." Based on this disclosure, the Office has apparently taken the position that a product obtained according to the combined disclosures of US '495 and US '271 would have a similar value for the absolute value of triboelectrostatic charge to the specific surface area as the claimed product. However, Applicants note that this is somewhat of an oversimplification, as the triboelectrostatic charge varies a lot by the condition of the condensation of the powder.

Applicants also note that it is necessary to choose carefully the properties of a powder for obtaining a suitable value of the triboelectrostatic charge of the powder, which can be found by specifying the claimed ranges of the median particle size, the specific surface area by the BET method, and the dispersion coefficient. Thus, the combination of these powder properties is very important in order to obtain a suitable value of the triboelectrostatic charge of the powder. Applicants note that nowhere in the combined disclosures of US '495 and US '271 is there a suggestion that would allow one to obtain an amorphous fine silica particle, as claimed in Claim 6, having the recited combination of limitations.

Application No. 10/049,902
Reply to Office Action of January 25, 2005

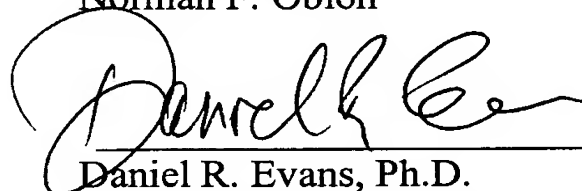
It is kindly requested that the Examiner acknowledge the same, and withdraw the outstanding rejection in its entirety.

In view of the comments contained herewith and Applicants' request for full benefit to priority, it is believed that the present application is in a condition for allowance.

Should the Examiner deem that a personal or telephonic interview would be helpful in advancing this application toward allowance, she is encouraged to contact Applicants' undersigned representative at the below-listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

A handwritten signature in dark ink, appearing to read "Daniel R. Evans", is written over a horizontal line.

Daniel R. Evans, Ph.D.
Registration No. 55,868

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)